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DATE FILED: 3/5/2019

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *ex rel.*
KENNETH COTE and JOHN FERGUSON,

Plaintiff,

v.

CITIZENS BANK, N.A.,

Defendant.

16 Civ. 3121 (GHW)

UNDER SEAL

ORDER

The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B),

IT IS HEREBY ORDERED THAT:

1. The complaint shall be unsealed thirty days after entry of this order, and, in the event that the relators have not moved to dismiss the action, service upon defendant by the plaintiffs-relators is authorized as of that date. If the plaintiffs-relators seek to voluntarily dismiss the complaint pursuant to Rule 41(a)(1) within this 30-day period, plaintiffs-relators may seek to modify this order with the Government's consent or by motion on notice to the Government.
2. The Government's Notice of Election to Decline Intervention shall be served by the plaintiffs-relators upon defendant only after service of the complaint.
3. All previously filed documents in the Court's file in this action shall remain under seal and not be made public, except for, thirty days after entry of this order, plaintiffs-relators' *qui tam* complaint, this Order, and the Government's Notice of Election to Decline Intervention.
4. Upon the unsealing of the complaint, the seal shall be lifted as to all other matters occurring in this action subsequent to the entry of this Order.

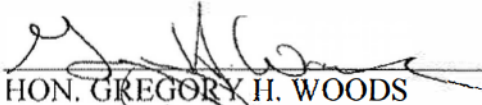
5. The parties shall serve all pleadings, motions filed in this action, and notices of appeal, including supporting memoranda and materials, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts. The United States is entitled to intervene in this action, for good cause, at any time, or to seek dismissal of this action.

6. All orders of this Court shall be sent to the United States by the plaintiffs-relators.

7. Should the plaintiffs-relators or defendant propose that this action be dismissed, settled, or otherwise discontinued, the moving party (or parties) will solicit the written consent of the United States before applying for Court approval.

Dated: January 31, 2019

SO ORDERED:


HON. GREGORY H. WOODS
UNITED STATES DISTRICT JUDGE